



September 21, 2022

Mr. Jeff Thein
New Jersey Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, NJ 08625-0420

**RE: APPLICATION FOR EXTENSION OF COASTAL ZONE MANAGEMENT PERMIT #11
NJDEP FILE No. 2009-04-0001.1 FWW 170001
GROUNDWATER WELLS, SOIL BORINGS, AND WATER LEVEL MONITORING DEVICES
ONGOING REMEDIAL INVESTIGATION
BAYWAY REFINERY COMPLEX
LINDEN, UNION COUNTY, NJ**

Dear Mr. Thein:

On behalf of ExxonMobil Environmental and Property Solutions (E&PS), Kleinfelder is submitting the enclosed application for the extension of the Sitewide Freshwater Wetlands General Permit #11, for "blanket approval" to conduct an undetermined number of the following: soil borings via machine, cutting of vegetation by machine no wider than five feet, cutting of vegetation by hand no wider than three feet, and excavation of exploratory pits within the waterfront development area at the Bayway Refinery Complex (BRC) located in Linden, Union County, New Jersey. The existing permit, file number 2009-04-0001.1 FWW 170001, expires on October 12, 2022, and is included for reference as **Attachment 1**. Activities related to remediation are ongoing at BRC, and the performance of these activities will need to continue to support pre-design investigations (PDIs), Feasibility Studies (FSs) and/or Remedial Actions (RAs).

In accordance with the specific application requirements, enclosed please find one complete copy of the extension application package and a check made payable to Treasurer, State of New Jersey, in the amount of \$250 to cover the extension fee.

Please contact me at njoy@kleinfelder.com or 609-454-4564 if you have any questions or require further information.

Sincerely,

KLEINFELDER, INC.

Nicole E. Joy
Senior Project Engineer

Michael J. Meyerhoefer
Senior Program Manager

Electronic Copy:
Steve Ferreira, USEPA
Charles Zielinski, NJDEP Case Manager

Project File

Electronic Copy:

Michael Renzulli, LSRP

Sathish Pushpala, P66

Maureen Forlenza, ExxonMobil

13352

KLEINFELDER OFFICE CHECKING

770 FIRST AVENUE, SUITE 400
SAN DIEGO, CA 92101DATE 9/19/22

19-10/1250

PAY TO THE
ORDER OFTreasure State of New Jersey \$ 250 ⁰⁰/₁₀₀Two Hundred + Fifty Dollars ⁰⁰/₁₀₀

DOLLARS

Security Features
Included.
Details on Back.**usbank.**FOR 20223959Barbara Weeden MP

⑈013352⑈ ⑆125000105⑆ 157519869794⑈



**APPLICATION FOR EXTENSION OF
COASTAL ZONE MANAGEMENT
GENERAL PERMIT #11
REMEDIATION AND INVESTIGATION ACTIVITIES**

FILE NO. 2009-04-0001.1 CZM 170001

**BAYWAY REFINERY COMPLEX – LINDEN, NEW JERSEY
KLEINFELDER PROJECT #: 20223959.001A**

SEPTEMBER 2022

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**ONLY THE CLIENT OR ITS DESIGNATED REPRESENTATIVES MAY USE THIS DOCUMENT AND ONLY FOR THE SPECIFIC PROJECT
FOR WHICH THIS REPORT WAS PREPARED.**

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ATTACHMENTS

Attachment 1: Coastal Zone Management GP-11 Approval

Attachment 2: Sitewide LOI Approval

SECTION 1

INTRODUCTION AND PROJECT DESCRIPTION

1. INTRODUCTION

Kleinfelder, Inc. (Kleinfelder), on behalf of ExxonMobil Environmental and Property Solutions (ExxonMobil), is submitting the enclosed application materials to the New Jersey Department of Environmental Protection (NJDEP) for an extension of Division of Land Use Regulation (DLUR) permit file number 2009-04-0001.1 CZM 170001, dated October 12, 2017. This permit is a Sitewide Coastal Zone Management Permit 11 to perform remedial investigation activities consisting of groundwater monitoring wells, soil borings, and water level monitoring devices at the Bayway Refinery Complex (BRC) located in Linden, Union County, New Jersey. The permit expires on October 12, 2022. A copy of the authorization is provided in **Attachment 1**. Activities related to remediation are ongoing at the BRC, and the performance of these activities will need to continue to support pre-design investigations (PDIs), Feasibility Studies (FS) and/or Remedial Actions (RA).

2. BACKGROUND AND PROJECT DESCRIPTION

The BRC is an active, 1,300-acre facility that has been in operation since the early 1900s and is located in an industrial area within the cities of Linden and Elizabeth, Union County, New Jersey. The BRC occupies a low-lying area adjacent to the Arthur Kill.

The BRC is bounded to the north by Interstate 278, to the west by Routes 1 & 9 and Rose Hill Cemetery, and to the south by Wood Avenue. The New Jersey Turnpike (NJTP) borders the southeastern portion of the site and passes through the northeastern portion, dividing the main process area from the waterfront area along the Arthur Kill (**Figures 1 and 2**).

The remedial actions are being completed under the provisions of an Administrative Consent Order (ACO) executed by ExxonMobil with the NJDEP in 1991, and as amended in 1993 and 1994. The environmental remediation of the BRC is being conducted under traditional NJDEP oversight, in conjunction with oversight by a Licensed Site Remediation Professional (LSRP), Michael Renzulli (LSRP #584467).

Wetlands on the site were delineated and documented as part of a sitewide delineation in 2016. NJDEP approved a Letter of Interpretation (LOI) for the BRC site in September 2016. An extension of the sitewide LOI was submitted to NJDEP on August 2021 and is currently under final review. The site conditions have remained consistent since this LOI approval. However, over the course of working on the site, Kleinfelder professionals noticed that within Investigative Areas of Concern (IAOC) E1 Clean Fill Area, C2 (Waterfront Area) and B Series/C4 large portions of the area mapped as wetlands did not meet wetland criteria. Delineations performed by Amy S. Greene Environmental Consultants, Inc. (ASGECI) in May and June of 2018 and by Kleinfelder in October 2020 independently concurred with that opinion, and applications to revise the LOI in these areas were submitted to NJDEP. The LOI approvals are provided in **Attachment 2**. To date, 307 soil borings have been installed within wetlands and transition areas on the subject

property as shown on the **Development Plans** in Section 7. Due to the nature of ongoing remedial investigation and actions, it is not possible to estimate the number of groundwater monitoring wells, soil borings, and water level monitoring devices needed to complete the projects, and therefore ExxonMobil is requesting an extension of the GP-11 blanket authorization.

SECTION 2
FRESHWATER WETLANDS EXTENSION OF A GENERAL PERMIT AUTHORIZATION
APPLICATION CHECKLIST



State of New Jersey
Department of Environmental Protection



Revised: May 2018

Website: www.nj.gov/dep/landuse

COASTAL ZONE MANAGEMENT APPLICATION CHECKLIST

Extension of a general permit authorization or individual permit

CALL NJDEP AT (609) 777-0454 IF YOU HAVE ANY QUESTIONS

To apply for an extension of a general permit authorization or an individual permit please submit the information below to:

Postal Mailing Address

NJ Department of Environmental Protection
Division of Land Use Regulation
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625-
Attn: Application Support

Street Address (Courier & Hand Carry Only)

NJ Department of Environmental Protection
Division of Land Use Regulation
501 East State Street
Station Plaza 5, Second Floor
Trenton, New Jersey, 08609
Attn: Application Support

1. Completed application form.
2. The application fee in the form of a check (personal, bank, certified, or attorney), money order, or government purchase order made payable to "Treasurer State of New Jersey" as specified at N.J.A.C. 7:7-25.1.
3. A narrative demonstrating that:
 - i. There has been no significant change in the overall condition of the site, including special areas;
 - ii. The regulated activities approved under the general permit authorization or individual permit for which an extension is sought have not been revised or amended, unless the permittee has obtained a modification of the authorization or individual permit under N.J.A.C. 7:7-27.5; and
 - iii. For an individual permit, the CZM Rules governing the regulated activities authorized under the permit which an extension is sought have not been amended such that the activities do not meet the CZM Rules as amended.
4. Color photographs depicting the entire project area, mounted on 8½ -inch by 11-inch paper and accompanied by a map showing the location and direction from which each photograph was taken. Copies of photographs are acceptable provided they are color copies. Black and white copies of photographs are not acceptable.

SECTION 3
DLUR FORM



State of New Jersey
Department of Environmental Protection
Division of Land Resource Protection
Application Form for Permit(s)/Authorization(s)
501 E. State Street Mail Code 501-02A P.O. Box 420
Trenton, NJ 08625-0420
Phone #: (609) 777-0454 Web: www.nj.gov/dep/landuse



Please print legibly or type the following: Complete all sections and pages unless otherwise noted.

Initial Application ☐ Response to DLUR Deficiency ☐ Extension / Modification ☒ Is this project a NJDOT Priority 2 Repair Project? Yes ☐ No ☒

1. **Applicant Name:** Exxon Mobil Corporation Co. c/o Maureen Forlenza E-Mail: maureen.p.forlenza@exxonmobil.com
Address: 1400 Park Avenue, Building 7 Daytime Phone: _____ Ext. _____
City/State: Linden, NJ Zip Code 07036 Cell Phone: 703-963-7132
2. **Agent Name:** Mr. ~~(Ms.)~~ Mrs. Nicole Joy E-Mail: NJoy@Kleinfelder.com
Firm Name: Kleinfelder, Inc. Daytime Phone: 609-454-4564 Ext. _____
Address: 150 College Rd West, Suite 100 Zip Code 08540 Cell Phone: _____
City/State: Princeton, NJ
3. **Property Owner:** Phillips 66 E-mail: _____
Address: 1400 Park Avenue Daytime Phone: 908-523-6041 Ext. _____
City/State: Linden, NJ Zip Code _____ Cell Phone: _____
4. **Project Name:** Sitewide Coastal Zone Management GP-11 Extension Address/Location: 1400 Park Avenue
Municipality: Linden County: Union Zip Code 07036
Block(s): 515; 516; 517; 518; 519; 520; 522; 523; 524; 568; 580; 581; 586 Lot(s) 1; 1, 1.01, 1.02, 2; 1; 1, 2; 1, 2, 3; 1, 3, 4, 5, 6, 8; 1; 1, 2; 24, 9;
N.A.D. 1983 State Plane Coordinates (feet) E(x): 570,124 N(y): 654,259 Not Longitude/Latitude
Watershed: Morses Creek/Piles Creek 07CA Subwatershed: Morses Creek/Piles Creek
Nearest Waterway: Morses Creek/Arthur Kill
5. **Project Description:** ExxonMobil is applying to extend the coastal zone management GP-11 approval for remedial site investigation activities at the within the Waterfront Development Area at the Bayway Refinery Complex in Linden, New Jersey.

Provide if applicable: Previous LUR File # (s): 2009-04-0001.1 CZM170001 Waiver request ID # (s): _____

A. SIGNATURE OF APPLICANT (required):

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment. If the applicant is an organization such as a corporation, municipal entity, home-owners association etc., the party responsible for the application shall sign on behalf of the organization.

Signature of Applicant

Position/Title (If not individual property owner)

Maureen Forlenza, Bayway Team Lead, Agent and Attorney in Fact

Date

Print Name

Signature of Applicant

Position/Title (If not individual property owner)

Date

Print Name

A. PROPERTY OWNER'S CERTIFICATION

I hereby certify that the undersigned is the **owner of the property** upon which the proposed work is to be done. This endorsement is certification that the owner/easement holder grants permission for the conduct of the proposed activity. In addition, written consent is hereby given to allow access to the site by representatives or agents of the Department for the purpose of conducting a site inspection(s) or survey(s) of the property in question.

In addition, the undersigned property owner hereby certifies:


1. Whether any work is to be done within an easement?
(If answer is "Yes" – Signature/title of responsible party is required below)

Yes ☐ No ☒
2. Whether any part of the entire project will be located within property belonging to the State of New Jersey?

Yes ☐ No ☒
3. Whether any work is to be done on any property owned by any public agency that would be encumbered by Green Acres?

Yes ☐ No ☒
4. Whether this project requires a Section 106 (National Register of Historic Places) Determination as part of a federal approval?

Yes ☐ No ☒



Signature of Owner

9/13/22

Date

Sathish Pushpala on behalf of Phillips 66

Print Name/Title

Signature of Owner/Easement Holder

Date

Print Name/Title

B. APPLICANT'S AGENT


I Maureen Forlenza, the Applicant Owner and _____, co-Applicant/Owner authorize to act as my agent/representative in all matters pertaining to my application the following person:

Nicole Joy

Name of Agent

Senior Project Engineer

Occupation/Profession of Agent



Signature of Applicant/Owner

Signature of co-Applicant/Owner

AGENT'S CERTIFICATION:

I agree to serve as agent for the above-referenced applicant:



Signature of Agent

Kleinfelder, Inc.

Name of Firm

C. STATEMENT OF PREPARER OF PLANS, SPECIFICATIONS, SURVEYOR'S OR ENGINEER'S REPORT

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.



Signature

Matthew Kuchta, P.E.

Print Name

Project Engineer, Kleinfelder

Position & Name of Firm

24GE04844000


Professional License #

9/15/2022

Date

D. STATEMENT OF PREPARER OF APPLICATION, REPORTS AND/OR SUPPORTING DOCUMENTS (other than engineering)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining and preparing the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment.



Signature

Nicole Joy

Print Name

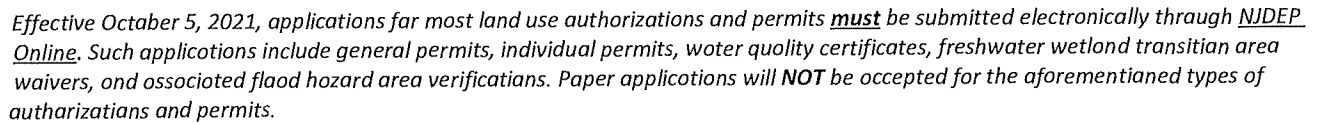
Senior Project Engineer, Kleinfelder

Position & Name of Firm

9/21/2022

Professional License #

Date



FEE CALCULATION TIPS:

- APPLICATION(S) FOR:** Please check each permit/authorization that you are applying for and fill in the calculated fee (for each) in the "Fee Paid" column

	Freshwater Wetlands Authorizations	Fee Amount	Fee Paid
<input type="checkbox"/>	FWGP Administrative Modification	No fee	
<input type="checkbox"/>	FWGP Minor technical modification	\$500.00	
<input type="checkbox"/>	FWGP Major technical modification	\$500.00	
<input type="checkbox"/>	Individual Permit Administrative Modification	No Fee	
<input type="checkbox"/>	Individual Permit Minor Technical Modification	\$500.00	
<input type="checkbox"/>	Individual Permit Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	TAW Administrative Modification	No Fee	
<input type="checkbox"/>	TAW Minor Technical Modification	\$500.00	
<input type="checkbox"/>	TAW Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	FWGP Extension	\$500 x _____ # of items to be extended	
<input type="checkbox"/>	Individual Permit/Open Water Permit Extension	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	TAW Extension	\$500 x _____ # of items to be extended	
<input type="checkbox"/>	Freshwater Wetlands Exemption	\$500.00	
<input type="checkbox"/>	TAW Exemption	\$500.00	
<input type="checkbox"/>	Permit Equivalency/CERCLA	No Fee	

	Applicability Determinations	Fee Amount	Fee Paid
<input type="checkbox"/>	Coastal Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Flood Hazard Applicability Determination	No Fee	No Fee
<input type="checkbox"/>	Highlands Jurisdictional Determination	No Fee	No Fee
<input type="checkbox"/>	Executive Order 215	No Fee	No Fee

APPLICATION(S) FOR: Please check each permit/authorization that you are applying for and fill in the calculated fee (for each) in the "Fee Paid" column

	Flood Hazard Area Authorizations	Fee Amount	Fee Paid
<input type="checkbox"/>	FHA GP Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	FHA GP Minor technical modification	\$500 x _____ # of project elements to be revised	
<input type="checkbox"/>	FHA GP Major technical modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	FHA Individual Permit Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	FHA Individual Permit Minor Technical Modification	\$500 x _____ # of project elements to be revised	
<input type="checkbox"/>	FHA Individual Permit Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	FHA Verification Administrative Modification	No Fee	No Fee
<input type="checkbox"/>	FHA Verification Minor Technical Modification	\$500 x _____ # of project elements to be revised	
<input type="checkbox"/>	FHA Verification Major Technical Modification	0.30 x _____ original fee (Minimum \$500)	
<input type="checkbox"/>	FHA GP Extension	\$240	
<input type="checkbox"/>	FHA Individual Permit Extension	0.25 x _____ original fee	
<input type="checkbox"/>	FHA Verification Extension of Methods 1, 2, 3, 5, or Riparian Zone Only	\$240	
<input type="checkbox"/>	FHA Verification Extension of Methods 4 or 6	0.25 x _____ original fee	
<input type="checkbox"/>	FHA Individual Permit Equivalency/CERCLA	No Fee	No Fee

NOTE: Flood Hazard verifications may be submitted via a paper application **ONLY** when not submitted in conjunction with any permit/authorization required to be submitted electronically.

	Flood Hazard Area Verifications	Fee Amount	Fee Paid
<input type="checkbox"/>	Verification-Delineation of Riparian Zone Only	\$1,000	
<input type="checkbox"/>	Verification-Method 1 (DEP Delineation) *	\$1,000	
<input type="checkbox"/>	Verification-Method 2 (FEMA Tidal Method) *	\$1,000	
<input type="checkbox"/>	Verification-Method 3 (FEMA Fluvial Method) *	\$1,000	
<input type="checkbox"/>	Verification-Method 4 (FEMA Hydraulic Method)	\$4,000 + (\$400 x per 100 linear feet)	
<input type="checkbox"/>	Verification-Method 5 (Approximation Method)*	\$1,000	
<input type="checkbox"/>	Verification-Method 6 (Calculation Method)	\$4,000+(\$400 x per 100 linear feet)	

*Fee not applicable to (1) SFH

	Stormwater Review Fee (Maximum Fee = \$20,000)	Fee Amount	Fee Paid
<input type="checkbox"/>	Stormwater Review (Fee is calculated by adding the base fee to the specific elements below)	\$3,000 Base Fee	
	Review of Groundwater Calculations	+ \$250 x _____ # acres disturbed	
	Review of Runoff Quantity Calculations	+ \$250 x _____ # acres disturbed	
	Review of Water Quality Calculations	+ \$250 x _____ # acres impervious surface	
	Total	Stormwater Review Fee	

	Highlands Authorizations*	Fee Amount	Fee Paid
<input type="checkbox"/>	Pre-application Meeting	\$500.00	
<input type="checkbox"/>	Resource Area Determination Boundary Delineation < one acre	\$500.00	
<input type="checkbox"/>	Resource Area Footprint of Disturbance	\$500 + (\$50 x _____ # of acres of the site)	
<input type="checkbox"/>	Resource Area Determination Verification (> one acre)	\$750 + (\$100 x _____ # of acres of the site)	
<input type="checkbox"/>	Resource Area Determination Extension	0.25 x _____ original fee (Minimum \$250)	
<input type="checkbox"/>	Preservation Area Approval (PAA)		
<input type="checkbox"/>	PAA with Waiver (Specify type below)		
	Waiver Type:		
<input type="checkbox"/>	HPAAGP 1/ Habitat Creation/Enhance	No Fee	No Fee
<input type="checkbox"/>	HPAAGP 2 Bank Stabilization	\$500	
<input type="checkbox"/>	HPAA Extension	\$1,000	

*Highlands Applicability Determinations (HAD Exemptions) use a different form available at www.nj.gov/dep/landuse/forms.html

TOTAL FEE:	\$250
CHECK NUMBER:	13352

APPLICANT NAME: ExxonMobilFILE # (if known): 2009-04-0001.1**APPLICATION FORM - APPENDIX I**

Section 1: Please provide the following information for the overall project site. All area measurements shall be recorded **in acres to the nearest thousandth** (0.001 acres).

<u>PROPOSED:</u>	<u>PRESERVED</u>	<u>UNDISTURBED</u>	<u>DISTURBED</u>
RIPARIAN ZONE	<u>0.000</u>	<u>0.000</u>	<u>11.713</u>
CZMRA FORESTED (CZMRA IP – Only)	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>
E & THABITAT Endangered and/or Threatened	<u>0.000</u>	<u>0.000</u>	<u>29.94</u>
FRESHWATER WETLANDS	<u>0.000</u>	<u>2.279</u>	<u>32.071</u>

Section 2: Please provide the following information for each permit/authorization requested pursuant to the Freshwater Wetlands Protection Act. All area measurements shall be recorded **in acres to the nearest thousandth** (0.001 acres). Use additional sheets if necessary Not Applicable, coastal permit application only

PERMIT TYPE	WETLAND TYPE <i>Emergent, Forest, Shrub, Etc.</i>	RESOURCE CLASSIFICATION <i>Ordinary, Intermediate, Exceptional, EPA, Etc.</i>
_____	_____	_____

<u>PROPOSED DISTURBANCE:</u>	<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED	_____	_____	_____
EXCAVATED	_____	_____	_____
CLEARED	_____	_____	_____
TEMPORARY DISTURBANCE	_____	_____	_____

PERMIT TYPE	WETLAND TYPE <i>Emergent, Forest, Shrub, Etc.</i>	RESOURCE CLASSIFICATION <i>Ordinary, Intermediate, Exceptional, EPA, Etc.</i>
_____	_____	_____

<u>PROPOSED DISTURBANCE:</u>	<u>WETLANDS</u>	<u>TRANSITION AREA</u>	<u>SOW</u>
FILLED	_____	_____	_____
EXCAVATED	_____	_____	_____
CLEARED	_____	_____	_____
TEMPORARY DISTURBANCE	_____	_____	_____

SECTION 4

APPLICATION FEE

A check in the amount of \$250 is included for the application fee, as indicated on the DLUR form.

SECTION 5

NARRATIVE DEMONSTRATING NO SIGNIFICANT CHANGE

Extension of the Coastal Zone Management Permit 11 requires a narrative demonstrating that:

- i. There has been no significant change in the overall condition of the site, including special areas;

The site has been used as an oil refinery for many decades and is in the process of being remediated under the management of the NJDEP Site Remediation Program (Program Interest #008282). There have been no significant changes on site since the submittal of the initial permit application.

The following special areas have not changed at BRC and will not be impacted by this project: shellfish habitat, surf clam areas, prime fishing areas, finfish migratory pathways, submerged vegetation habitat, navigation channels, canals, inlets, marina moorings, ports, submerged infrastructure routes, shipwreck and artificial reef habitats, wet borrow pits, intertidal and subtidal shallows, dunes, over wash areas, coastal high hazard areas, erosion hazard areas, barrier island corridors, bay islands, beaches, filled water's edge, existing lagoon edges, coastal bluffs, intermittent stream corridors, farmland conservation areas, steep slopes, dry borrow pits, historic and archaeological resources, specimen trees, critical wildlife habitats, public open space, special hazard areas, excluded Federal lands, special urban areas, Pinelands National Reserve and Pinelands Protection Area, Hackensack Meadowlands District, wild and scenic river corridors, geodetic reference control marks, Hudson River waterfront area, Atlantic City, lands and waters subject to public trust rights, and dredged material management areas.

Remedial investigation activities may occur in the following special areas: flood hazard areas, riparian zones, wetlands, wetlands buffers and endangered or threatened wildlife or plant species habitat. Disturbance will only occur in special areas where a licensed site remediation professional finds that there are no practicable alternatives to the investigation. The footprint of disturbance for the soil boring installation is small, approximately 10 feet by 10 feet of temporary disturbance per well, and locations are selected to minimize impact to large vegetation where possible. This installation of monitoring wells will allow for delineation of ground water impacts and remedy implementation, which will improve endangered and threatened species habitat in the surrounding areas. There have been no significant changes to riparian zones, wetlands, wetlands buffers and endangered and threatened species on site.

*Wetlands on the site were delineated and documented as part of a sitewide delineation in 2016. NJDEP approved a LOI for the BRC site in September 2016. The LOI approval is provided in **Attachment 2**. An extension of the sitewide LOI was submitted to NJDEP on August 2021 and is currently under final review. The site conditions have remained consistent since this LOI approval. However, over the course of working on the site, Kleinfelder professionals noticed that within Investigative Areas of Concern (IAOC) E1*

Clean Fill Area, C2 (Waterfront Area) and B Series/C4 large portions of the area mapped as wetlands did not meet wetland criteria. Delineations performed by Amy S. Greene Environmental Consultants, Inc. (ASGECI) in May and June of 2018 and by Kleinfelder in October 2020 independently concurred with that opinion, and applications to revise the LOI in these areas were submitted to NJDEP. A summary of these LOI approvals is provided in the table below. This revision of wetland boundaries represents an update based on a more thorough understanding of wetland conditions within IAOC E1, B Series/C4 and C2, and is not indicative of a significant change to the overall condition of the site. The revisions to the wetlands line were included on the plan submitted to extend the sitewide LOI approval.

IAOC	Block	Lot	File #	Date Issued
E1	522	1	2009-05-0004.2 FWW190001	November 1, 2019
B Series/C4	586	3.01, 5, 18	2009-14-0002.13 FWW210001	November 19, 2021
C2	586	6	2009-14-0002.14 FWW210001	April 1, 2022

*Delineations in other areas are being evaluated and verified by IAOC as remedial design implementation progresses through the site. If a significant change or discrepancy is found, additional applications will be filed to amend the LOI. The presence and absence of threatened and endangered species has not changed significantly enough to impact the resource value of the wetlands as shown in **Figure 3**.*

It is important to note that all investigative activities will be landward of the mean high water line, and all investigative activities will be restored via stabilization through seeding with erosion control seed mix and/or planting of native plants and shrubs, as appropriate. These impacts will mostly be temporary. Permanent impacts will be limited to the installation of monitoring well pads.

- ii. The regulated activities approved under the general permit authorization or individual permit for which an extension is sought have not been revised or amended, unless the permittee has obtained a modification of the authorization or individual permit under N.J.A.C. 7:7-27.5; and

The regulated activities for which this GP-11 extension is sought are the same activities provided in the initial authorization and have not been revised or amended.

- iii. For an individual permit, the CZM Rules governing the regulated activities authorized under the permit which an extension is sought have not been amended such that the activities do not meet the CZM Rules as amended.

This extension application is for a general permit, not an individual permit, so this does not apply.

SECTION 6

COLOR PHOTOGRAPHS AND PHOTO LOCATIONS

SITE PHOTOGRAPHS



Photograph 1



Photograph 2

SITE PHOTOGRAPHS



Photograph 3



Photograph 4

SITE PHOTOGRAPHS



Photograph 5



Photograph 6

SITE PHOTOGRAPHS




Photograph 7

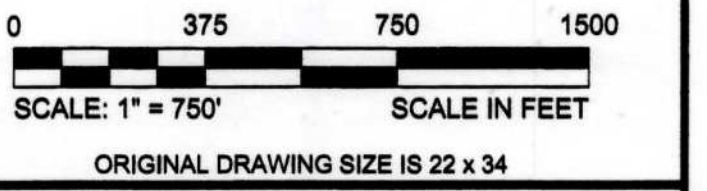
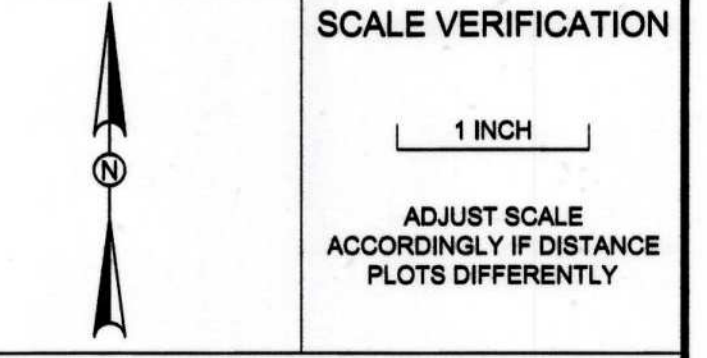
SECTION 7

DEVELOPMENT PLANS



SIGNATURE:  DATE: 8/2/17
MATTHEW E. KUCHTA, P.E. NJ PROFESSIONAL ENGINEER
LICENSE # GE48440

[illegible]

BAYWAY REFINERY COMPLEX
LINDEN, NEW JERSEY

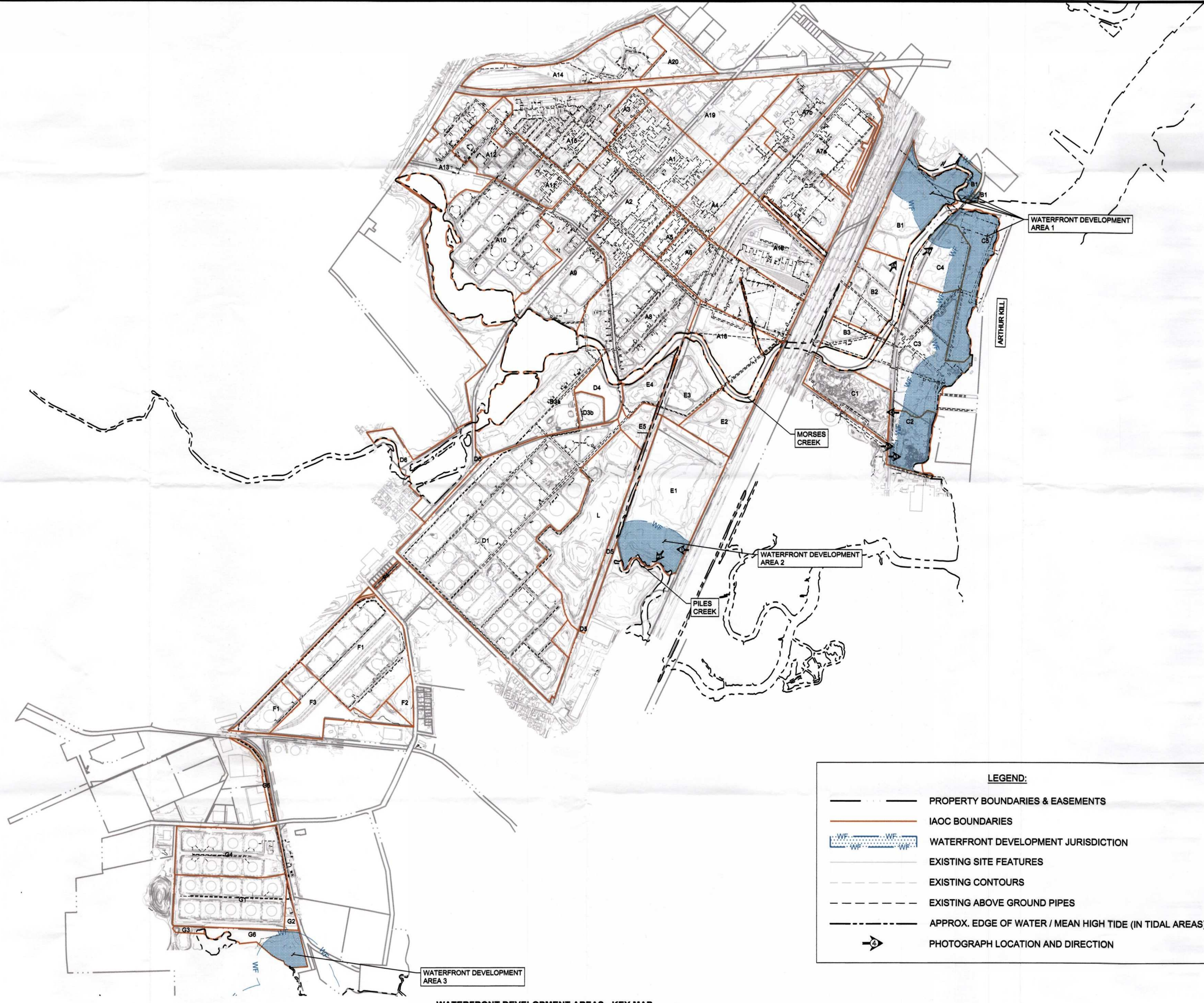
PREPARED FOR:

ExxonMobil

Environmental Services

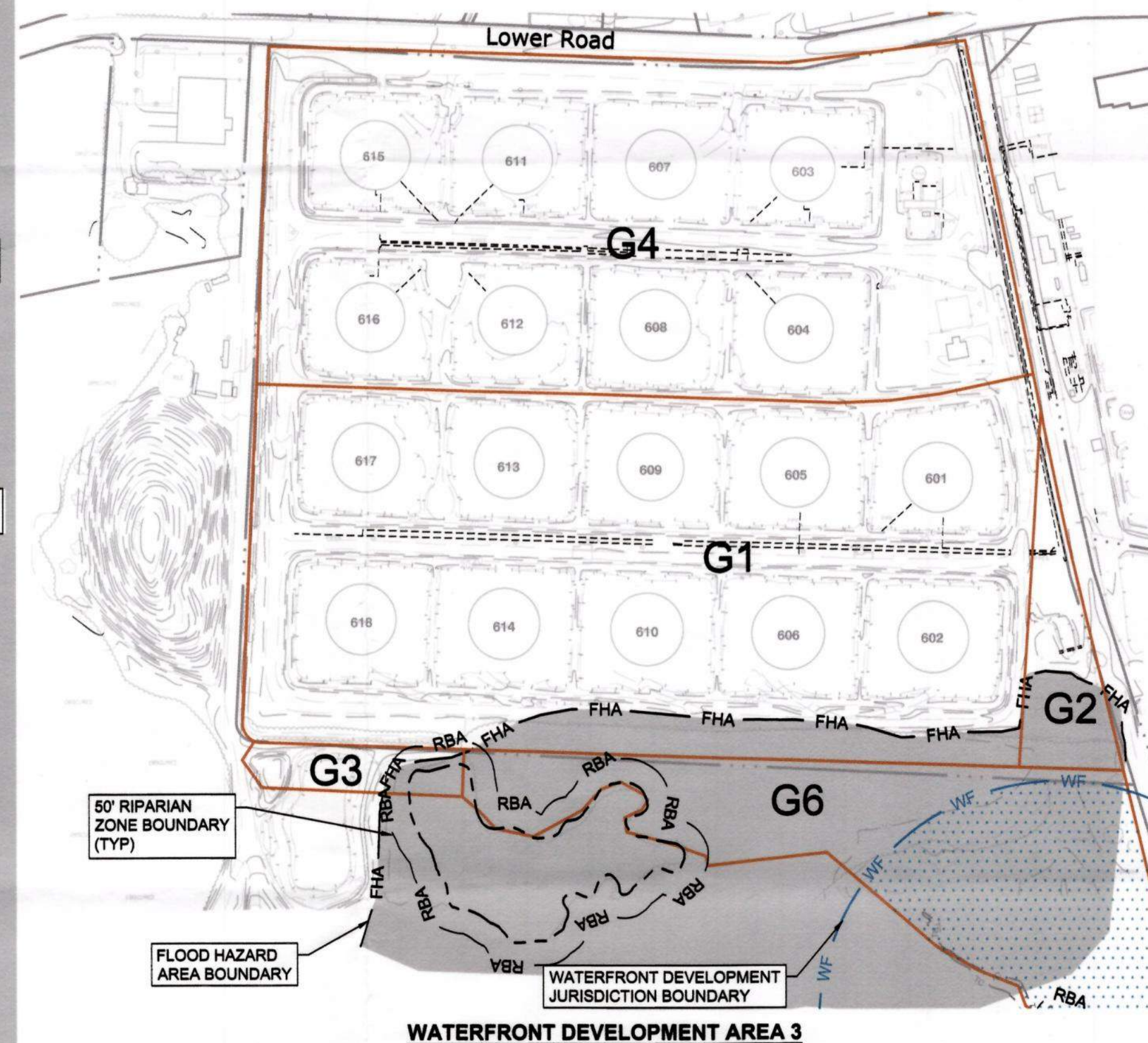
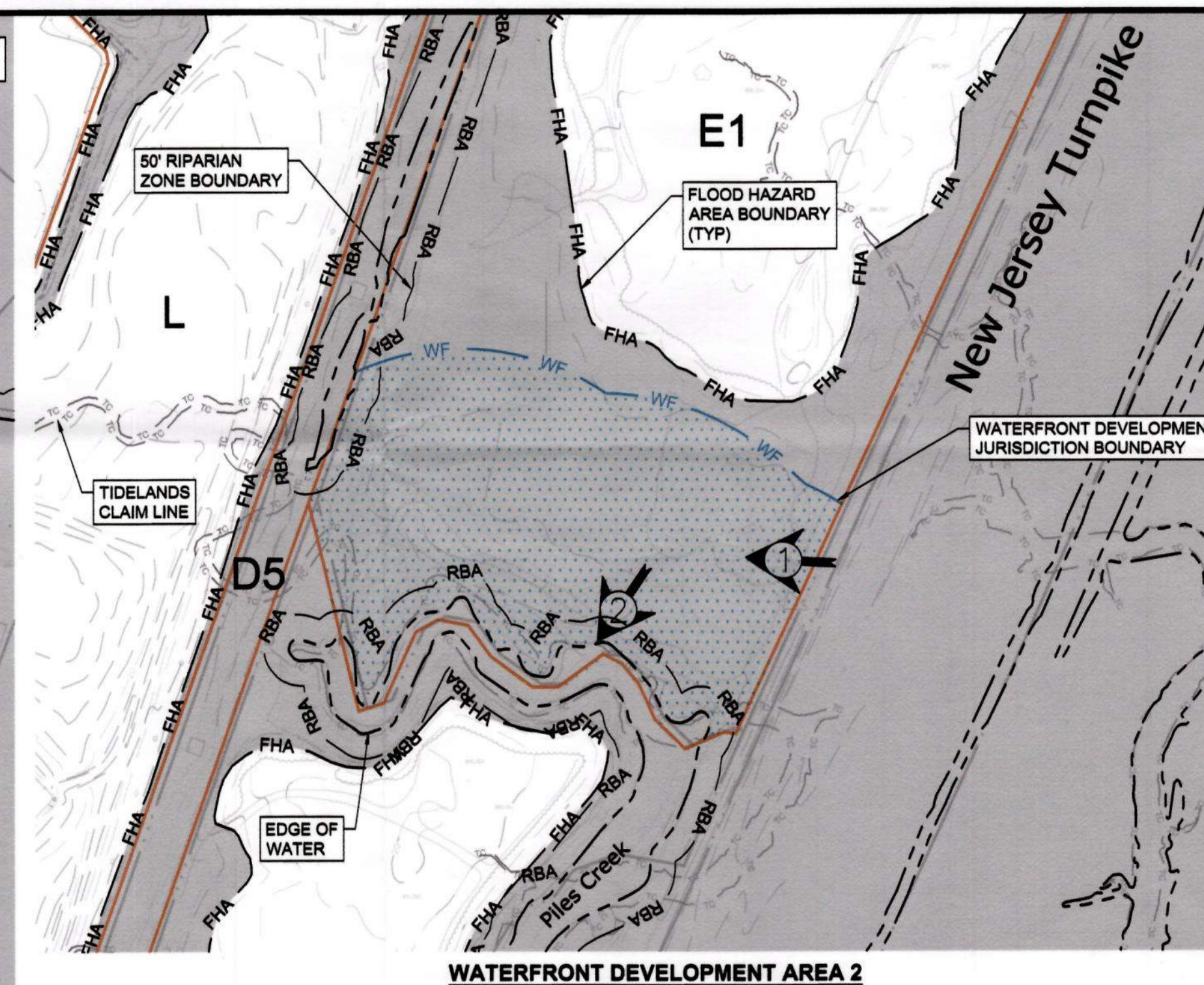
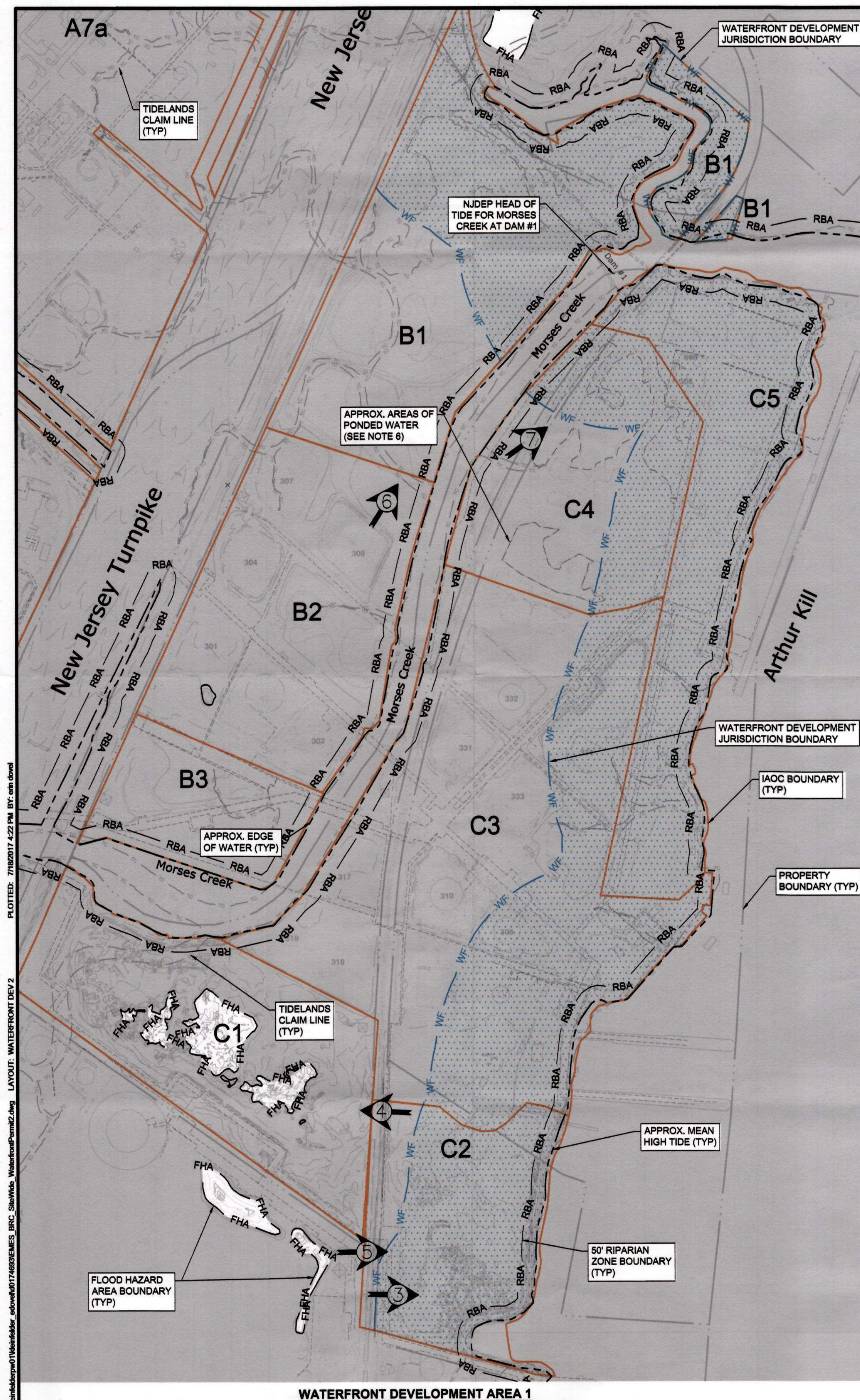
PERMIT SITE PLAN

PROJECT NO.	20173382	1	
ISSUE DATE	07/11/2017		
CURRENT REVISION	-		
DESIGNED BY	NDK		
DRAWN BY	ELD		
CHECKED BY	NEJ		
APPROVED BY	---	SHEET	1 of 3



CAD FILE: C:\pwworking\kloinfelder\pww01\kloinfelder_edover\01746931\EMES_BRC_SiteWide_WaterfrontPermit2.dwg PLOTTED: 7/18/2017 4:21 PM BY: erin davel LAYOUT: KEY SHEET

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- NOTES:**
1. MAP, WATER BODY LIMITS, AND LOI WETLANDS BOUNDARY DERIVED FROM FIGURE ENTITLED "WETLAND DELINEATION SURVEY, BAYWAY REFINERY, CITY OF LINDEN, UNION COUNTY, NEW JERSEY". PREPARED BY KELLER & KIRKPATRICK INC., DATED 9-3-15. LAST UPDATED 4-18-16.
 2. BASE MAP TOPOGRAPHIC FEATURES TAKEN FROM A MAP PREPARED BY ATLANTIS AERIAL SURVEY CO., INC. FROM PHOTOGRAPHY DATED OCTOBER 3, 2003.
 3. 1 FOOT CONTOURS WITHIN THE C1/C2 AREAS FROM "TOPOGRAPHIC SURVEY OF BLOCK 568 LOTS 5,6,10,17" BY KELLER & KIRKPATRICK INC., DATED 07-22-2017.
 4. HORIZONTAL DATUM IS NAD1983, VERTICAL DATUM IS NGVD29. DISTANCE MEASUREMENTS ARE EXPRESSED IN U.S. FEET. SUBTRACT 1.00 FEET TO CONVERT FROM NGVD29 TO NAVD88.
 5. SITE-WIDE PROPERTY BOUNDARIES FROM THE 2015 UNION COUNTY PARCELS GIS INVENTORY.
 6. LIMITS OF WETLANDS AND TRANSITION AREAS AS PRESENTED IN THE JULY 2016 LETTER OF INTERPRETATION (LOI) APPROVED BY THE NJDEP DIVISION OF LAND USE REGULATION ON SEPTEMBER 21, 2016. (DLUR FILE NO.: 2009-14-0002.4 FWW 150001)
 7. FLOOD HAZARD AREA ACROSS THE SITE RANGES FROM APPROXIMATELY 13 TO 14 FEET (NGVD). PRELIMINARY FIRM MAPS USED FOR DELINEATION OF THE FLOOD HAZARD AREA DATED FEBRUARY 3, 2015 INCLUDE:
 - 7.1. 34039C0034G
 - 7.2. 34039C0035G
 - 7.3. 34039C0045G
 - 7.4. 34039C0046G
 8. TIDELANDS CLAIM LINE FROM NJDEP'S GIS TIDELANDS SHAPEFILE, DATED JULY 2004.
 9. EDGE OF WATER FROM THE 2002 USGS NATIONAL HYDROGRAPHY DATASET.
 10. ALL OR A PORTION OF THIS SITE LIES IN A FLOOD HAZARD AREA. CERTAIN ACTIVITIES IN FLOOD HAZARD AREAS ARE REGULATED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SOME ACTIVITIES MAY BE PROHIBITED ON THIS SITE OR MAY FIRST REQUIRE A PERMIT. CONTACT THE DIVISION OF LAND USE REGULATION AT (609) 292-0080 FOR MORE INFORMATION PRIOR TO ANY CONSTRUCTION ONSITE.
 11. MEAN HIGH WATER LINE WAS ESTIMATED FOR TIDAL WATERBODIES FROM A VARIETY OF SOURCES, INCLUDING:
 - 11.1. 2015 NGJIN AERIAL ORTHOIMAGERY
 - 11.2. 2004 NJDEP TIDELANDS CLAIM LINES
 - 11.3. 2002 USGS NATIONAL HYDROGRAPHY DATASET
 - 11.4. 2016 APPROVED LOI EDGE OF WATER (SEE NOTE 8)
 - 11.5. EXISTING SITE TOPOGRAPHY (SEE NOTE 2&3)
 12. THE TEMPORARILY DISTURBED AREAS WILL BE RESTORED VIA STABILIZATION THROUGH SEEDING WITH EROSION CONTROL SEED MIX AND/OR PLANTING OF NATIVE PLANTS AND SHRUBS, AS APPROPRIATE.

[illegible]

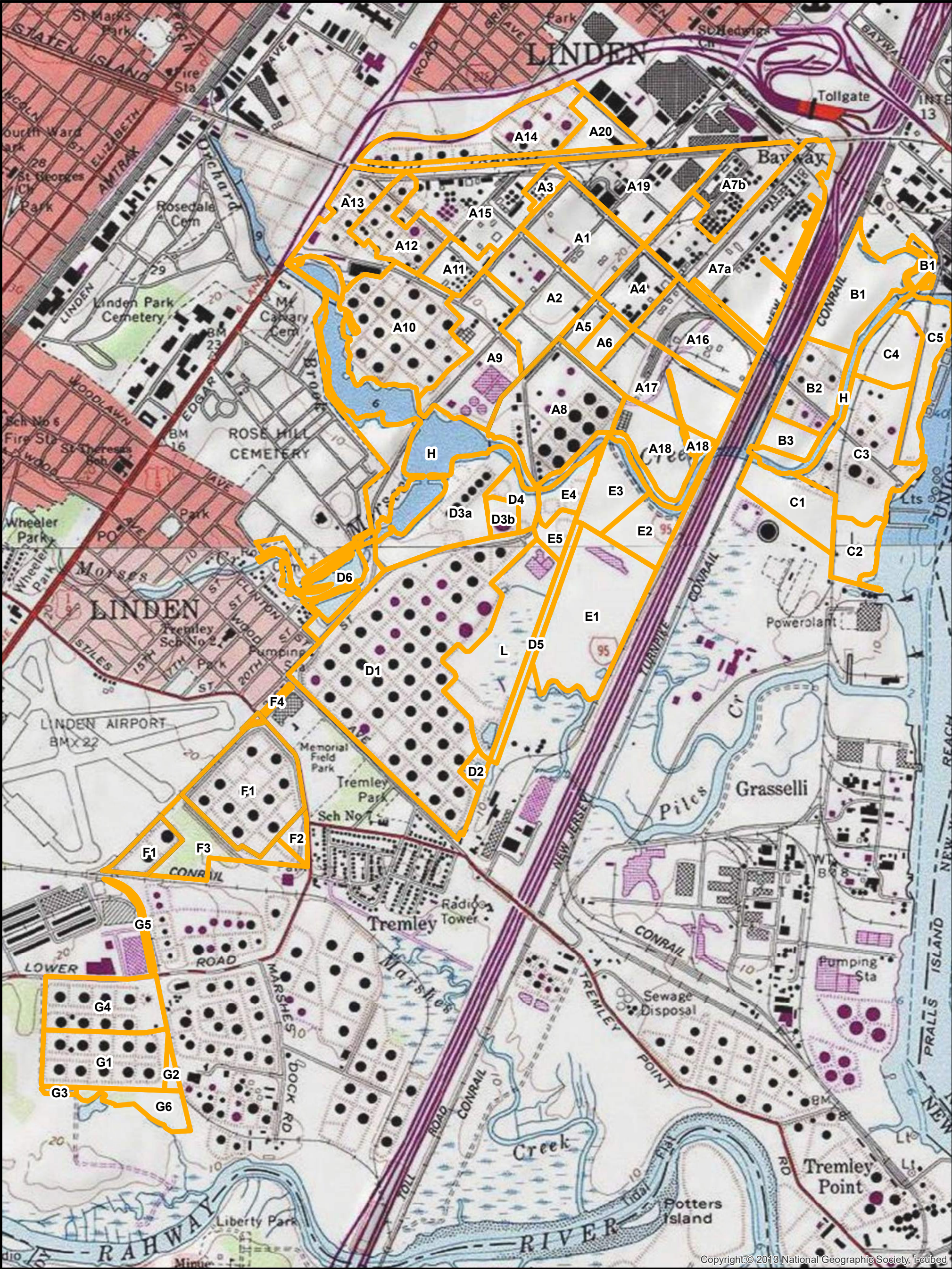
SECTION 8

FIGURES

FIGURE 1: USGS SITE LOCATION MAP

FIGURE 2: WATERFRONT DEVELOPMENT MAP

FIGURE 3: THREATENED & ENDANGERED SPECIES



Copyright:© 2013 National Geographic Society, Inc.

USGS QUADRANGLE
MAP

Bayway Refinery
Linden, New Jersey

KLEINFELDER
Bright People. Right Solutions.
150 College Road West, Suite 100, Princeton, NJ 08540
609-924-8821
www.kleinfelder.com

IAOC Boundaries

USGS 7.5 Minute Quadrangles: Elizabeth & Arthur Kill, NJ

PROJECT #: 3959

DRAWN: July 2022

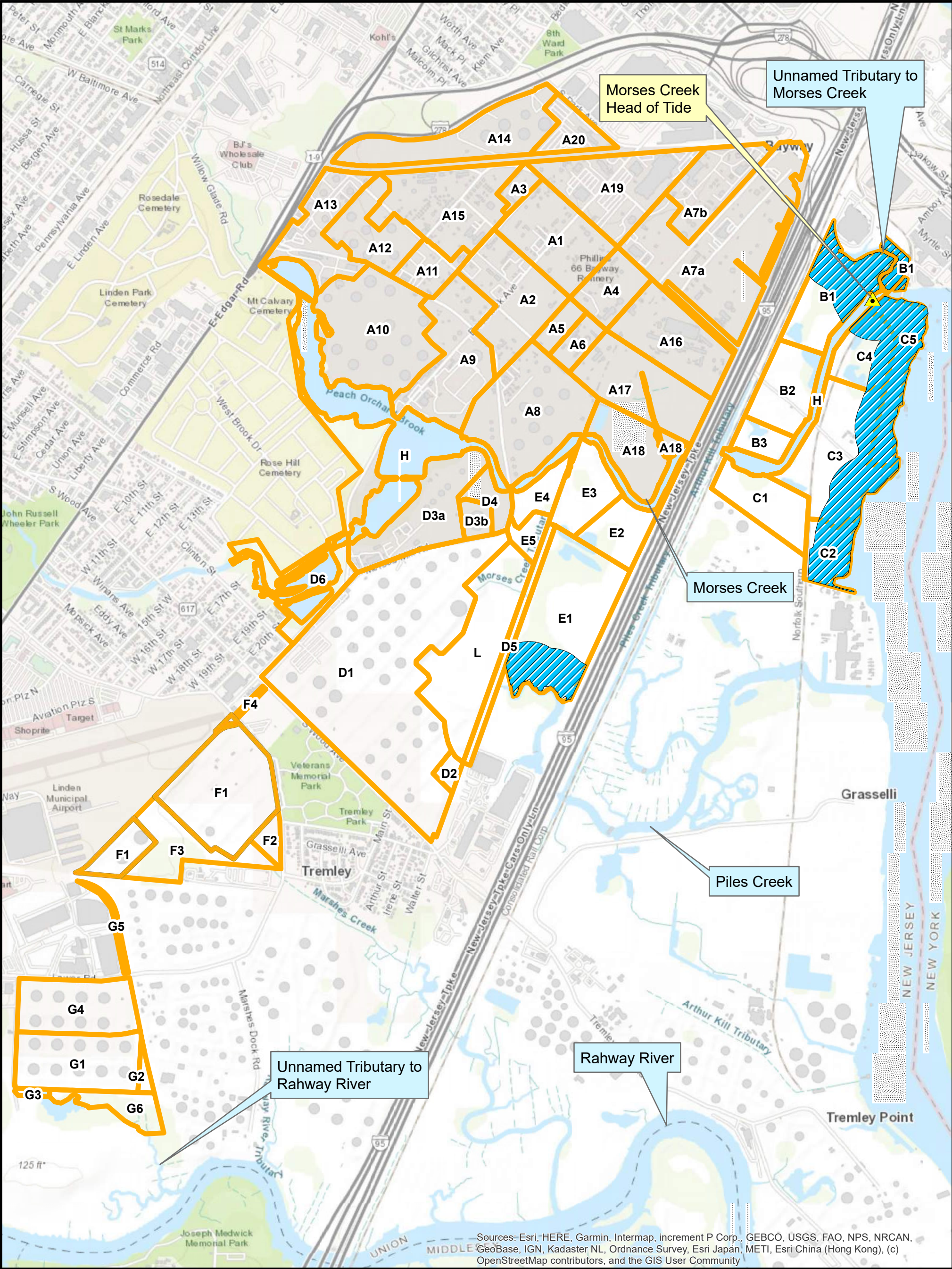
DRAWN BY: ELD

CHECKED BY: NEJ

FILE NAME:
Bayway_USGS_Site

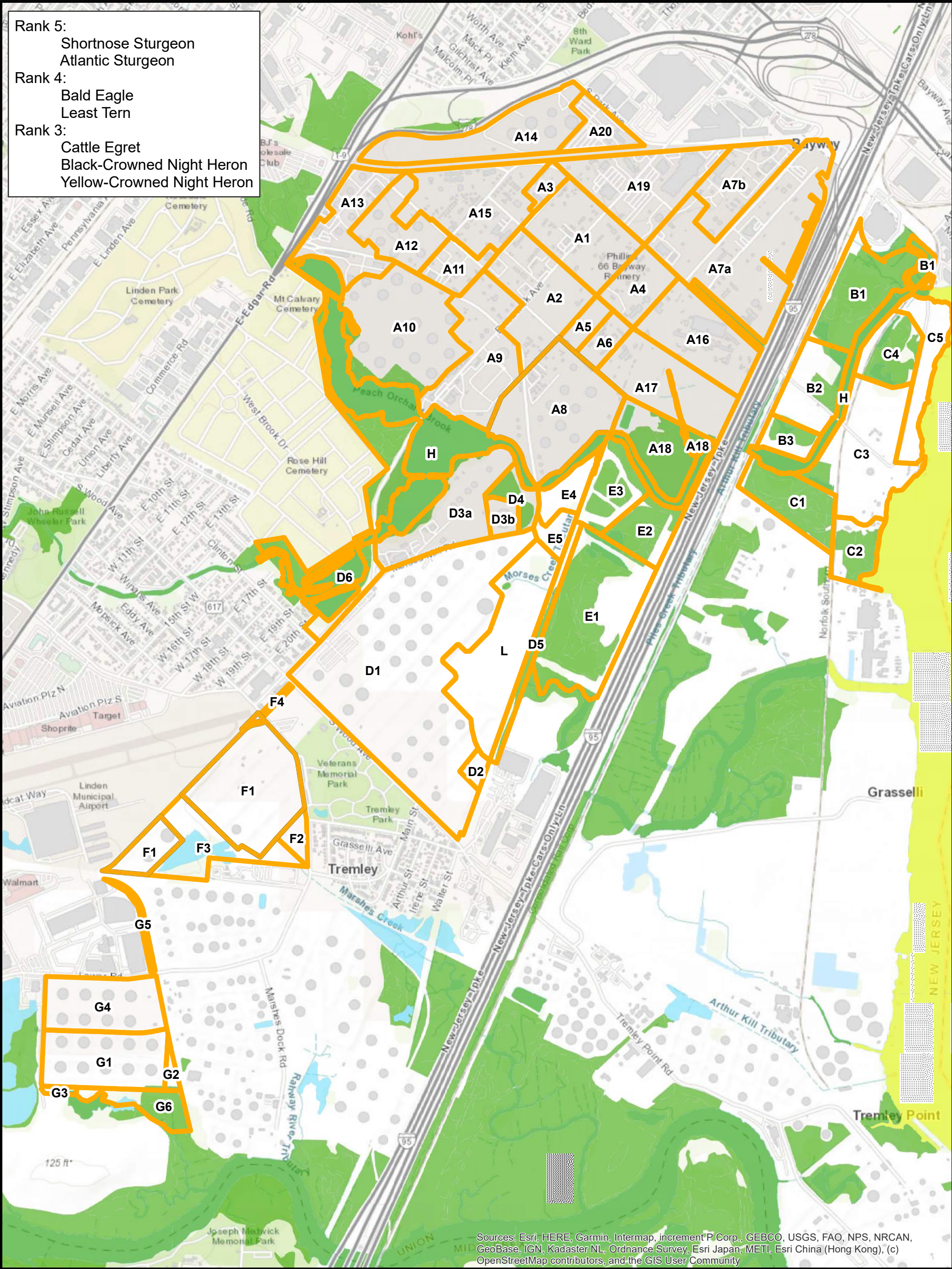
01,2002,400

Feet



WATERFRONT DEVELOPMENT AREAS	Head of Tide Waterfront Development Areas in IAOCs IAOC Boundaries	PROJECT #: 3959 DRAWN: July 2022 DRAWN BY: ELD CHECKED BY: NEJ FILE NAME: Bayway_WaterfrontHatch_Site
Bayway Refinery Linden, New Jersey		
 Bright People. Right Solutions. 150 College Road West, Suite 100, Princeton, NJ 08540 609-924-8821 www.kleinfelder.com	2017 NJDEP Landscape Project v3.3 2017 ESRI Basemaps 2017 NJDEP Head of Tide	 0 1,200 2,400 Feet

- Rank 5:
Shortnose Sturgeon
Atlantic Sturgeon
- Rank 4:
Bald Eagle
Least Tern
- Rank 3:
Cattle Egret
Black-Crowned Night Heron
Yellow-Crowned Night Heron



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

THREATENED AND ENDANGERED SPECIES	<div>IAOC Boundaries</div> NJDEP Landscape Project V3.3 <div>Rank 3 - State Threatened</div> <div>Rank 4 - State Endangered</div> <div>Rank 5 - Federal Listed</div>	PROJECT #: 3959
		DRAWN: July 2022
Bayway Refinery Linden, New Jersey		DRAWN BY: ELD
		CHECKED BY: NEJ
<div>Bright People. Right Solutions. 150 College Road West, Suite 100, Princeton, NJ 08540 609-924-8821 www.Kleinfelder.com</div>		FILE NAME: Bayway_T&E_Site
	2017 NJDEP Landscapes Project v3.3 2017 ESRI Basemaps	<div> 0 1,200 2,400 Feet</div>

Attachment 1: Coastal Zone Management GP-11 Approval




STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION

P.O. Box 439, Trenton, New Jersey 08625-0439
Fax: (609) 777-3656 or (609) 292-8115
www.state.nj.us/dep/landuse

PERMIT



In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.		Approval Date 10/12/2017
		Expiration Date 10/12/2022
Permit Number(s) 2009-04-0001.1 CZM170001	Type of Approval(s) Coastal Zone Management General Permit #11	Enabling Statute(s) N.J.S.A. 13:9B FWW
Applicant: ExxonMobil Environmental Services 1400 Park Avenue, Building 7 Linden, NJ 07036		Site Location: Bayway Refinery Complex Blocks & Lots: see page 2 Municipality: Linden County: Union
Description of Authorized Activities: Perform remediation investigation activities consisting of groundwater monitoring wells, soil borings, and water level monitoring devices. Vegetation disruption will be kept to a minimum and cutting of vegetation by hand no wider than five feet for a survey line and no cutting of vegetation larger than three feet wide for other activities. Areas of investigation are shown on the plans entitled (all signed and sealed by Matthew E. Kutchta, NJPE#GE48440 and dated 7/11/17): "Waterfront Development Key Map", sheet 1 of 3. "Waterfront Development Wetlands and Transition Areas", sheet 2 of 3 "Waterfront Development Flood Hazard Area & Riparian Zone", sheet 3 of 3		
Prepared by  Jeff Thein Principal Environmental Engineer		Received or Recorded by County Clerk
THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH IN THIS PERMIT.		
This permit is not valid unless authorizing signature appears on the last page.		

Blocks and Lots of remedial investigation:

Block 515, Lot 1
Block 516, Lots: 1, 1.01, 1.02, 2
Block 517, Lot: 1
Block 518, Lots: 1, 2
Block 519, Lots: 1, 2, 3
Block 520, Lots: 1, 3, 4, 5, 6, 8
Block 522, Lot: 1
Block 523, Lots: 1, 2
Block 524, Lots: 24, 9
Block 568, Lot: 10
Block 580, Lots: 40, 42, 47
Block 581, Lot: 11.06
Block 586, Lots: 17, 18, 3.01, 3.02, 5, 6

CONDITIONS APPLICABLE TO ALL LAND USE PERMITS:

1. In accordance with the applicable regulations, any person who is aggrieved by this decision or any of the conditions of this approval may request a hearing within 30 days after notice of the decision is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the Checklist is available through Division's website at <http://www.nj.gov/dep/landuse/forms/lurpaahr.pdf>. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information about this process;

2. The permittee, its contractors and subcontractors shall comply with all conditions of this permit, supporting documents and approved drawings; and

i. Plans and specification in the application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the department in writing;

ii. If this permit contains a condition that must be satisfied prior to the commencement of construction, the permittee must comply with such condition(s) within the time required by the permit or, if no time specific requirement is imposed, then within six months of the effective date of the permit, or provide evidence satisfactory to the Department that such condition(s) cannot be satisfied; and

iii. Any noncompliance with this permit constitutes a violation, and is grounds for enforcement action, as well as suspension and/or termination of the permit; This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action, should it be determined that a violation has occurred onsite;

3. It shall not be a defense for this permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;

4. The permittee shall take all reasonable steps to prevent, minimize or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit;
5. The issuance of this permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction, structure or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit;
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit;
7. This permit can be modified, suspended or terminated for cause. The filing of a request to modify an issued permit by the permittee, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit;
8. This permit does not convey any property rights of any sort, or any exclusive privilege;
9. A copy of the permit and other authorizing documents including all approved plans and drawings shall be maintained at the authorized site at all times and made available to Department representatives or their designated agents immediately upon request.
 - i. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and
 - ii. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permit;
10. The permittee shall allow an authorized representative of the Department, upon notification under current rule and upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect at reasonable times any facilities, equipment, practices or operations regulated or required under the permit. Failure to allow reasonable access under this section shall be considered a violation of this chapter and subject the permittee to enforcement action;
 - iv. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules;
11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department;
12. The permittee shall provide reports to the Department as follows:
 - i. Monitoring results shall be reported at the intervals specified elsewhere in this permit;
 - ii. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger health or the environment. In addition, the permittee shall report all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401

E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. The written notice shall include: a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter;

iii. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information;

13. Development which requires soil disturbance, the creation of drainage structures, or changes in natural contours shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 through 1.14. and must obtain any required approvals from the local Soil Conservation District;

14. If any condition or this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest;

15. This permit is not transferable to any person unless the transfer is approved by the Department;

16. The permittee must obtain any and all other Federal, State and/or local approvals. Authorization to undertake a regulated activity under these rules does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project;

17. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where necessary;

18. All excavated material and dredged material shall be disposed of in a lawful manner. (For example, it should be placed outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetlands and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area);

20. All sediment barriers and other soil control measures shall be installed prior to commencing any clearing, grading or construction on-site, and shall be maintained in proper working condition throughout the entire duration of the project.

SPECIFIC CONDITIONS:

21. The permittee shall provide a set of "as-built" plans showing the location of all monitoring devices, soil borings and water level monitoring devices authorized by this blanket permit. These plans are to be submitted to the following address within 30 days after final installation:

NJDEP
Division of Land Use Regulation
P.O. Box 420
Code 501-02A
Trenton, NJ 08625-0420
Attention: Jeff Thein

22. In order to prevent adverse impacts to Bald Eagle, no work is permitted in the following wetland areas between December 15th through July 31st of each year: A-7 through A-38, G-5 through G-16, H-1 through H-29, B-1 through B-22, C-1 through C-33, E-30 and E-31, P-26 through P-39, K-1 and K-2, K-24 through K-13, P-97 through P-68 and S-11 through S-3.

23. The disturbance of wetlands, associated transition areas and riparian zone shall be limited to that which is necessary to complete the investigation.

If the project requires the alteration or replacement of any historic district railroad equipment or structures, the permittee must consult with the Historic Preservation Office, New Jersey Department of Environmental Protection prior to disturbance. The Historic Preservation Office can be contacted at (609) 633-2395. Please reference HPO Project No. 14-2956-1, HPO-F2014-148 in all correspondence.

Please contact Jeff Thein with any questions regarding this permit action via e-mail at jeff.thein@dep.nj.gov or by phone at (609) 633-2211

10/12/17
DATE

Mark C Davis
Mark C. Davis, Supervisor
Office of Dredging and Sediment Technology

Original mailed to Justin Moses, P.E., Kleinfelder, Inc., 1757-24 Veteran's Highway, Islandia, New York 11749

C: Dave Sumba, Coastal and Land Use Compliance and Enforcement, Chester
Linden Municipal Clerk
NY ACOE Regulatory Branch
Maureen P. Forlenza, ExxonMobil Environmental Services, 1400 Park Avenue, Building 7,
Linden, NJ 07036

Attachment 2: Sitewide LOI Approval



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Division of Land Use Regulation
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

November 01, 2019

ExxonMobil
c/o Maureen Forlenza
1400 Park Ave, Building 7
Linden, NJ 07036

RE: Freshwater Wetlands Letter of Interpretation: Line Verification
File No.: 2009-05-0004.2
Activity Number: FWW190001
Applicant: EXXON MOBIL AOC E1 BAYWAY REFINERY COMPLEX
Block(s) and Lot(s): [522, 1]
City of Linden, Union County

Dear Ms. Forlenza:

This letter is in response to your request for a Letter of Interpretation to have Division of Land Use Regulation (Division) staff verify the boundary of the freshwater wetlands and/or State open waters on the referenced property.

In accordance with agreements between the State of New Jersey Department of Environmental Protection (NJDEP), the U.S. Army Corps of Engineers (USACOE) Philadelphia and New York Districts, and the U.S. Environmental Protection Agency (USEPA), the NJDEP is the lead agency for establishing the extent of State and Federally regulated wetlands and waters. The USEPA and/or USACOE retain the right to reevaluate and modify the jurisdictional determination at any time should the information prove to be incomplete or inaccurate

Based upon the information submitted, and upon a site inspection conducted by Division staff on June 17, 2019, the Division has determined that the wetlands and waters boundary line(s) as shown on the plan map entitled: "WETLAND LOCATION PLAN FOR NJDEP LOI APPLICATION BLOCK 522 LOT 1 BAYWAY REFINERY COMPLEX CITY OF LINDEN, UNION COUNTY, NEW JERSEY", consisting of one (1) sheet, dated November 06, 2018, last revised October 11, 2019, and prepared by Keller & Kirkpatrick Inc., is accurate as shown.

The freshwater wetlands and waters boundary line(s), as determined in this letter, must be shown on any future site development plans. The line(s) should be labeled with the above file number and the following note:

"Freshwater Wetlands/Waters Boundary Line as verified by NJDEP"

Wetlands Resource Value Classification ("RVC")

In addition, the Division has determined that the resource value and the standard transition area or buffer required adjacent to the delineated wetlands are as follows:

Exceptional: E1-F1 through E1-F11, E1-E1 through E1-E22, E1-E22 directly to E1-E25, E1-E25 through E1-E31, E1-E31 through E1-E65 and E1-E65 through E1-E1. [150-foot wetland buffer]

Intermediate: All other wetlands onsite except those identified as exceptional above. [50-foot wetland buffer]

RVC may affect requirements for wetland and/or transition area permitting. This classification may affect the requirements for an Individual Wetlands Permit (see N.J.A.C. 7:7A-9 and 10), the types of Statewide General Permits available for the property (see N.J.A.C. 7:7A-5 and 7) and any modification available through a transition area waiver (see N.J.A.C. 7:7A-8). Please refer to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and implementing rules for additional information.

In addition, the Department has determined that there is a feature onsite that is regulated under the Flood Hazard Area Control Act Rules (FHACAR) N.J.A.C. 7:13. If the proposed project is regulated by the FHACAR, then the applicant may obtain a Flood Hazard Area Verification in accordance with N.J.A.C. 7:13-6.1 to determine the limits of any flood hazard area and/or riparian zone onsite.

Wetlands resource value classification is based on the best information available to the Division. The classification is subject to reevaluation at any time if additional or updated information is made available, including, but not limited to, information supplied by the applicant.

Under N.J.S.A. 13:9B-7a(2), if the Division has classified a wetland as exceptional resource value, based on a finding that the wetland is documented habitat for threatened and endangered species that remains suitable for use for breeding, resting or feeding by such species, an applicant may request a change in this classification. Such requests for a classification change must demonstrate that the habitat is no longer suitable for the documented species because there has been a change in the suitability of this habitat. Requests for resource value classification changes and associated documentation should be submitted to the Division at the address at the top of this letter.

General Information

Pursuant to the Freshwater Wetlands Protection Act Rules, you are entitled to rely upon this jurisdictional determination for a period of five years from the date of this letter unless it is determined that the letter is based on inaccurate or incomplete information. Should additional information be disclosed or discovered, the Division reserves the right to void the original letter of interpretation and issue a revised letter of interpretation.

Regulated activities proposed within a wetland, wetland transition area or water area, as defined by N.J.A.C. 7:7A-2.2 and 2.3 of the Freshwater Wetlands Protection Act rules, require a permit from this office unless specifically exempted at N.J.A.C. 7:7A-2.4. The approved plan and supporting jurisdictional limit information are now part of the Division's public records.

Please be advised that any surface water features on the site or adjacent to the site may possess flood hazard areas and/or riparian zones and development within these areas may be subject to the Flood Hazard Area Control Act rules at N.J.A.C. 7:13. The Division can verify the extent of flood hazard areas and/or riparian zones through a flood hazard area verification under the application procedures set forth at N.J.A.C. 7:13-5.1.

This letter in no way legalizes any fill which may have been placed, or other regulated activities which may have occurred on-site. This determination of jurisdiction extent or presence does not make a finding that wetlands or water areas are "isolated" or part of a surface water tributary system unless specifically called

out in this letter as such. Furthermore, obtaining this determination does not affect your responsibility to obtain any local, State, or Federal permits which may be required.

Recording

Within 90 calendar days of the date of this letter, the applicant shall submit the following information to the clerk of each county in which the site is located, and shall send proof to the Division that this information is recorded on the deed of each lot referenced in the letter of interpretation:

1. The Department file number for the letter of interpretation;
2. The approval and expiration date of the letter of interpretation;
3. A metes and bounds description of the wetland boundary approved under the letter of interpretation;
4. The width and location of any transition area approved under the letter of interpretation; and
5. The following statement: "The State of New Jersey has determined that all or a portion of this lot lies in a freshwater wetland and/or transition area. Certain activities in wetlands and transition areas are regulated by the New Jersey Department of Environmental Protection and some activities may be prohibited on this site or may first require a freshwater wetland permit. Contact the Division of Land Use Regulation at (609) 292-0060 or <http://www.nj.gov/dep/landuse> for more information prior to any construction onsite."

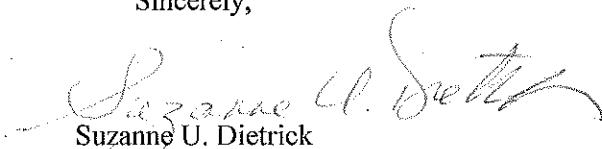
Failure to have this information recorded in the deed of each lot and/or to submit proof of recording to the Division constitutes a violation of the Freshwater Wetlands Protection Act rules and may result in suspension or termination of the letter of interpretation and/or subject the applicant to enforcement action pursuant to N.J.A.C. 7:7A-22.

Appeal Process

In accordance with N.J.A.C. 7:7A-21, any person who is aggrieved by this decision may request a hearing within 30 days of the date the decision is published in the DEP Bulletin by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist found at www.state.nj.us/dep/landuse/forms. Hearing requests received after 30 days of publication notice may be denied. The DEP Bulletin is available on the Department's website at www.state.nj.us/dep/bulletin. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see the website www.nj.gov/dep/odr for more information on this process.

Please contact Katherine Todoroff of our staff by e-mail at Katherine.Todoroff@dep.nj.gov or by phone at (609) 777-0454 should you have any questions regarding this letter. Be sure to indicate the Department's file number in all communication.

Sincerely,



Suzanne U. Dietrick
Environmental Specialist IV
Office of Dredging and Sediment Technology
Division of Land Use Regulation